

DG 00-127

ENERGYNORTH NATURAL GAS, INC.

Revised 2000 Summer Period Cost of Gas Proceeding

**Granting Motion for Protective Order
and Confidential Treatment**

O R D E R N O. 23,503

June 5, 2000

On May 31, 2000, EnergyNorth Natural Gas, Inc. (ENGI), a public utility engaged in the business of distributing natural gas in 29 cities and towns in southern and central New Hampshire and the City of Berlin in northern New Hampshire, filed with the New Hampshire Public Utilities Commission (Commission) a Revised Summer Period Cost of Gas filing. ENGI concurrently filed a Motion for Protective Order and Confidential Treatment (Motion) in which it requested confidential treatment of certain information, pursuant to RSA 91-A:5,IV, Puc 204.05(b) and Puc 204.06.

The Motion requests confidential treatment of material that identifies ENGI's suppliers and sets forth the terms of the gas supply agreements negotiated by ENGI with its suppliers relating to the 2000 Summer Period Cost of Gas proceeding (Gas Supply Information). The Gas Supply Information specifies the commodity and demand charges under the supply contract and includes the calculation of firm sales cost of gas rate, a supply and demand forecast, a

calculation of unit cost of supply, a conversion of gas volumes and cost to therms, a unit cost calculation for natural gas storage, a unit cost calculation for liquid petroleum gas, and a unit cost calculation for liquid natural gas.

In its Motion, ENGI states that: (1) the Gas Supply Information contains trade secrets of ENGI which should be protected as confidential commercial information; (2) ENGI does not disclose this information to anyone outside of its corporate affiliates and their representatives; (3) release of this information is likely to result in competitive disadvantage for ENGI; and (4) this information would be extremely beneficial to ENGI's competitors who would gain a competitive advantage as a result of disclosure.

The Commission recognizes that the Gas Supply Information regarding suppliers and contract terms identified above is critical to the review of the cost of gas (COG) filing by the Commission, the Commission Staff (Staff) and the Office of Consumer Advocate (OCA). The Commission also recognizes that the Gas Supply Information as contained in the filing is sensitive commercial information in a competitive market. Thus, based on ENGI's representations, under the balancing test we have applied in prior cases, e.g., Re NET (Auditel), 80 NHPUC 437 (1995), Re Eastern Utilities Associates, 76 NHPUC 236 (1991), we find that the benefits to ENGI of non-disclosure in this case outweigh the benefits to the public of disclosure. The

information, therefore, is exempt from public disclosure pursuant to RSA 91-A:5,IV and N.H. Admin. Rules, Puc 204.06.

Based upon the foregoing, it is hereby

ORDERED, that the Motion for Protective Order and Confidential Treatment of EnergyNorth Natural Gas, Inc., as it relates to the Gas Supply Information, as described above, is GRANTED; and it is

FURTHER ORDERED, that with regard to the COG identified information and terms, ENGI shall submit a redacted COG filing for public review and provide three unredacted copies for the Commission, Staff, and the OCA; and it is

FURTHER ORDERED, that in future filings, ENGI shall continue to submit, concurrent with its request for confidential treatment, both redacted and three unredacted filings which the Commission shall protect from disclosure during the pendency of its review of the request for confidentiality, pursuant to N.H. Admin. Rules, Puc 204.06; and it is

FURTHER ORDERED, that this Order is subject to the ongoing rights of the Commission, on its own motion or on the motion of Staff or any party or any other member of the public to reconsider this Order in light of RSA 91-A, should circumstances so warrant.

By order of the Public Utilities Commission of
New Hampshire this fifth day of June, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary